IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.19 OF 2001

Anil Baburao Desai and others ..Appellants

V/s.

Namdeo Joti Kamble and others ..Respondents

Mr.M.R.Suryavanshi, advocate for appellants
Mr.N.V.Bandiwadekar, advocate for respondents

Coram : D.G.Karnik, J

Date : 9th November, 2006

P.C.

1. Heard learned counsel for the parties. This second appeal is filed by the original plaintiff. He filed a suit for an injunction claiming to be owner of the suit property. The trial Court decreed the suit but the Lower Appellate Court allowed the appeal and dismissed the suit. The appellant Court held that the appellant had not proved his title and possession of the suit property referring to the title.

2. Admittedly, the appellant had not produced the registered sale deed. He claimed possession under an unregistered document purporting to be

mortgage deed. The lower appellate Court has held that the appellant would not get any title under the deed. This is a finding of the fact which is possible. No substantial question of law arises. Hence, the appeal is dismissed.

(D.G.Karnik, J.)